

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

AMICA MUTUAL INSURANCE COMPANY )	
Plaintiff, )	
)	
v. )	C.A. No.
)	
TYLER HAMES, alias )	
PV HOLDING CORP., alias )	
Defendants. )	

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND:**

1. On or about April 16, 2018, Plaintiff Amica Mutual Insurance Company filed a Complaint in the Second Division District Court of the State of Rhode Island against Defendants Tyler Hames and PVD Holding Corporation, Case No. 2CA-2018-00498. The Complaint alleges a claim of negligence against Tyler Hames.

2. A copy of the Complaint is attached hereto as Exhibit A. Plaintiff has not shown that proper service of process has been completed by service on the Attorney General of the United States and the United States Attorney for the District of Rhode Island.

3. Based on the facts alleged in the Complaint in the above-styled action, Plaintiff has asserted civil claims in state court against Tyler Hames. At the dates relevant to the allegations in the Complaint, Tyler Hames was a Lieutenant Junior Grade with the United States Coast Guard and an employee of the United States. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of any employee of the United States, acting within the scope of his or her employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b); 2671, et. seq. ("FTCA").

4. Congress has further provided that upon certification by the Attorney General or his designee that an individual defendant acted within the scope of his employment at the time of the incident giving rise to a civil action in a state court, the civil action pending against the employee in the state court is deemed to be against the United States under the FTCA and the United States is substituted by operation of law as the sole defendant with respect to any state law claims. 28 U.S.C. § 2679(d)(2).

5. Congress has further provided that, upon certification by the Attorney General or his designee that the individual federal employee acted within the scope of his or her employment, a civil action pending against the employee in a state court shall be removed without bond at any time prior to trial to the United States District Court for the district or division embracing the place in which the state court action is pending. 28 U.S.C. § 2679(d)(2).

6. Filed with this Notice of Removal is a Certification by Stephen G. Dambruch, United States Attorney for the District of Rhode Island, that Tyler Hames was acting within the scope of his federal employment at the time of the incidents giving rise to this suit. This Certification is attached hereto as Exhibit B.

7. This action must accordingly be deemed to be an action against the United States for purposes of the plaintiff's state law claims against Tyler Hames, and is therefore removed pursuant to 28 U.S.C. § 2679(d)(2) and 28 U.S.C. § 1442.

8. Notice of removal is being provided this date to Plaintiff and the Clerk of the Providence, Rhode Island Second Division District Court.

9. No defenses, including immunity are waived by the filing of this Notice of Removal.

10. Pursuant to 28 U.S.C. § 2679(d)(2), the United States is substituted as a party-defendant in place of defendant Tyler Hames. A proposed Order of Substitution is attached hereto as Exhibit C.

Wherefore, notice is respectfully given that the captioned matter is removed to the United States District Court for the District of Rhode Island, and in accordance with 28 U.S.C. § 1446(d), the filing of this notice shall effect the removal, and the state court shall proceed no further with respect to the action, unless and until the case is remanded thereto.

Respectfully submitted,

TYLER HAMES  
By His Attorneys,

STEPHEN G. DAMBRUCH  
United States Attorney

/s/ Bethany N. Wong  
BETHANY N. WONG  
Assistant U.S. Attorney  
U.S. Attorney's Office  
50 Kennedy Plaza, 8<sup>th</sup> Floor  
Providence, RI 02903  
Tel.: (401) 709-5000  
Fax: (401) 709-5017  
Email: [bethany.wong@usdoj.gov](mailto:bethany.wong@usdoj.gov)

Dated: May 7, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of May, 2018, I caused a copy of the within Notice of Filing of Removal to be forwarded, via certified mail, return receipt requested, to:

Lynda L. Laing  
One Davol Square, Suite 305  
Providence, RI 02903  
*Counsel for Plaintiff*

/s/ Bethany N. Wong  
BETHANY N. WONG  
Assistant U.S. Attorney